

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY GEORGE WOOD JR.,

Plaintiff,

V.

DAN STITES, et al.,

Defendant.

CASE NO. C18-983-MJP-BAT

ORDER DENYING MOTION TO COMPEL

Mr. Wood, proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. §1983 civil rights action, moves to compel discovery. Dkt. 44. Mr. Wood's motion (Dkt. 44) is denied.

Mr. Wood indicates he sent defendants a “request for production of discovery” on January 15, 2019. Dkt. 44. Mr. Wood signed the instant motion to compel alleging defendants had failed to timely respond to his discovery requests on February 19, 2019, and it was received by the Court on February 22, 2019. *Id.* In opposition to the motion defendants present evidence that they received Mr. Wood’s request for production on January 18, 2019, and thereafter timely served their initial response on February 19, 2019. Dkt. 55. Defendants further note that, in their responses they informed Mr. Wood they would be able to release many of the documents he sought only after he had executed the enclosed release form required by Snohomish County Jail. *Id.* Mr. Wood did not file a reply disputing defendants’ response to the motion and, in fact, in a

1 subsequent filing, appears to acknowledge receipt of defendants' initial responses to his
2 discovery requests. *See* Dkt. 51.

3 Because it appears defendants have either responded to Mr. Wood's discovery requests or
4 are awaiting a signed release from Mr. Wood in order to provide him some of the documents he
5 seeks, Mr. Wood's motion to compel (Dkt. 44) is DENIED.¹

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7 DATED this 18th day of March, 2019.

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BRIAN A. TSUCHIDA
10 United States Magistrate Judge

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¹ The Court also notes that defendants indicate, and Mr. Wood does not dispute, that he failed to meet and confer prior to filing his motion to compel. Dkt. 55. As such, Mr. Wood's motion should be denied on this basis as well. *See* Fed. R. Civ. P. 37(a)(1) (A motion to compel "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.").